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|  | <b>GAITHERSBURG POLICE DEPARTMENT</b>     |                   |   |
|   | <b>Selection, Hiring &amp; Background</b> |                   |  |
|   | <b>GENERAL ORDER</b>                      | <b>304.1</b>      |  |
|   | <b>Effective</b>                          | <b>03/20/2014</b> | Related CALEA Standards:<br>31.2.2,32.1.1,32.1.2,32.1.3,<br>32.1.5,32.1.6,32.1.7,32.2.1,<br>32.2.2,32.2.3,32.2.4,32.2.5,<br>32.2.6,32.2.7,32.2.8,32.2.9. |
| <b>Authorized by:</b> <b>Mark P. Sroka</b><br>CHIEF OF POLICE                     |   | SIGNATURE         | DATE   |

## **I. DEPARTMENT POLICY**

The Department's selection process is administered by the Chief of Police in cooperation with the City's Office of Human Resources.

As used in this directive, the term *personnel* refers to sworn and non-sworn members of the Department, unless otherwise indicated.

## **II. SELECTION PROCESS**

### **A. Responsibilities of the Chief of Police**

1. To the extent required to administer the selection process, the responsibilities of the Chief of Police include, but are not limited to:
  - Ensuring compliance with all Maryland Police and Correctional Training Commission regulations and standards relating to the selection of sworn members;
  - Ensuring compliance with all applicable CALEA standards relating to the Department's selection process;
  - The reviewing of all background investigations upon their completion;
  - The formulation and scheduling of oral interview boards;
  - Interviewing prospective candidates;
  - Making conditional job offers, pursuant to the provisions of the Americans with Disabilities Act (ADA); and
  - Ensuring the training of personnel in recruitment and selection.

### **B. Responsibilities of the Office of Human Resources**

1. The responsibilities of the City's Office of Human Resources include:
  - Working with the Chief of Police to implement the Department's selection process;
  - Ensuring compliance with all applicable laws relating to personnel;
  - The review, distribution, and placement of all job announcements;
  - Participation on oral interview boards (when requested); and
  - Advising Department personnel on appropriate and legal recruitment and selection activities.

### **III. THE SELECTION PROCESS**

#### **A. Selection Process Manual**

1. A comprehensive manual pertaining to the selection process is maintained by the Department, the purpose for which is to describe all of the elements, activities, procedures and methods by which the selection process will be administered.
2. Notwithstanding the applicability of laws and City policies with which the selection process must comply, the *Selection Process Component Manual* is an official guide intended to ensure that all parts of the selection process are administered fairly, uniformly and consistently.
3. To ensure compliance with the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, the *Selection Process Component Manual* contains information from both acts relating to recruitment, application procedures and selection.

#### **B. Process Validity**

1. All elements of the selection process use only those rating criteria and minimum qualifications that are job related.
2. Based on the Job Task Analysis and Maryland Police and Correctional Training Commission (MPCTC) standards, the Department will validate its process through *content validation*,

which is the justification of a component of the selection process by showing that it measures a significant part of the job.

3. The Department ensures that all elements of the selection process administered or provided by a private sector organization or vendor are valid and non-discriminatory.

**C. Uniform Administration of Process**

1. Through intensive monitoring of all phases of the process, and by training all personnel involved in the process, all elements of the selection process are administered, scored, evaluated and interpreted in a uniform manner.

**D. Use of Minority Personnel to Assist with the Process**

1. Whenever possible, Department personnel representative of race, sex and ethnic groups in the Department's service area are included in participation on interview boards, administration of written tests and other related activities.
2. Personnel who participate in the administration of the selection process receive training relative to the process.

**E. Secure Storage of Process Materials**

1. When selection materials are not in use, the person designated by the Chief of Police to coordinate the phase of the process for which the materials are a part ensures that the materials are never left unattended without being securely stored.
2. When selection materials are to be disposed of, it will be performed in a manner that prevents disclosure of the information contained therein.
  - If practical, the materials are shredded and the destruction is monitored as necessary.
  - If shredding is impractical, the Department shall employ an alternate means of destroying the materials.

**F. Candidate Disqualification**

1. Candidates determined to be ineligible for appointment to sworn probationary status, on the basis of non-compliance with a Maryland Police and Correctional Training Commission

regulation, the failure to pass a test, examination, interview or investigation, are informed of the disqualification in writing as soon as practical.

2. Background investigators, upon discovering that a candidate meets a Department disqualification guideline, must synopsise their findings in a memorandum and forward it, along with the investigative file, for review to the person designated by the Chief of Police to coordinate the background investigations. The background investigation file is then forwarded to the Chief of Police for a determination.

- ***Background investigators do not provide hiring recommendations.***
- ***An applicant is not disqualified by the background investigator, but by the Chief of Police.***

**G. Disposition of Records of Candidates not Appointed**

1. All applications remain active for consideration, for a period of one year from the date of receipt.
2. All records of candidates not appointed to probationary status (including background investigation file) are kept for a period of five (5) years in the Department's secure Records Archives.
3. A City of Gaithersburg Employment Application that was completed by a candidate who was not selected for employment may be shown to a prospective employer (or person acting on behalf of the prospective employer - i.e., background investigator) contingent upon the following:
  - ***The person to whom the application pertains authorizes the release of information through a signed "Authorization for the Release of Information" form (or similar form by whatever name known);***
  - ***In order for this Department to honor the Release, it must contain language and/or have a clause indicating that the person to whom the application pertains agrees to indemnify and hold harmless the City of Gaithersburg, the person(s) to whom the Release is presented, and his/her agents and employees from any and all claims, damages, losses, and expenses, including reasonable attorney's fees, arising out of or by reason(s) of complying with the Release.***
  - ***If the person cannot sign such a Release, s(he) will be***

*required to send a notarized letter to the Chief of Police authorizing the release of information.*

4. Information from the employment application will be released upon receipt of a court order seeking such information.

#### **IV. WRITTEN TESTING**

##### **A. Administration**

1. When administered, the Department utilizes a written test that is job related and non-discriminatory.
2. Written tests are administered, scored, evaluated and interpreted in a uniform manner.
3. When a written test is given as part of the selection process, the candidate must achieve at least a passing score in order to move to the next phase of the process.
4. When administered, the Department utilizes a computerized aptitude and/or skills examination for non-sworn personnel that is job related and non-discriminatory.

#### **V. ORAL INTERVIEWS**

##### **A. Oral Interview Board**

1. An oral interview of each candidate (sworn and non-sworn) is conducted prior to appointment using valid, useful and non-discriminatory procedures.
  - *This phase of the process is administered, scored, evaluated and interpreted in a uniform manner.*
2. The oral interview may be conducted by a board or panel, representative of law enforcement practitioners, selection professionals, and/or community representatives.
3. Oral interviews are conducted in a standardized manner in order to be effective and impartial and the results are recorded on standardized forms.
4. The Chief of Police ensures that persons comprising the oral interview boards are provided with an orientation/training session.

5. Previously employed sworn officers of the Gaithersburg Police Department, who are seeking re-employment, may be offered a one-on-one interview with the Chief of Police, or his designee, in lieu of an oral interview board.
6. The Department will maintain a record of all oral boards and one-on-one interviews.

**B. One-On-One Interview with the Chief of Police**

1. The Chief of Police (or designee) also participates in the oral interview process.
2. The Chief of Police interviews candidates with acceptable written test, interview and background investigation results.
  - *MPCTC Regulations state that by conducting an oral interview, the Chief of Police shall certify that the applicant possesses the ability to communicate and this shall be included on the Notice of Probationary Appointment Card.*
  - *The City Code requires the fitness and relative ability of applicants shall be examined by an evaluation of education, training and experience as shown on the application or by other information submitted.*
3. The City Manager or representatives from his/her office may also interview candidates for any position.

**VI. APPLICANT INVESTIGATIONS**

**A. Purpose and Requirements**

1. For sworn positions, Maryland Police and Correctional Training Commission (MPCTC) regulations require an applicant to be of good moral character and reputation and emotionally stable, as determined by a *comprehensive background investigation* which includes fingerprinting of the applicant and a search of local, state and national criminal record files. MPCTC regulations also require that a record be kept of these investigations. For candidates ultimately hired to sworn positions, the background investigation will be maintained securely in the Records Archives during the employee's tenure and for at least five (5) years following separation from the Department.
2. Background investigations will only be conducted by personnel

who have been trained in the proper methods of collecting the types of information required.

3. Before an applicant is appointed to probationary status in any position within the Department, a background investigation will be conducted and shall include the following:
  - ***Background Investigation Manual;***
  - ***Verification of the candidate's qualifying credentials (Minimum Requirements);***
  - ***Review of any criminal, traffic, and Court record(s);***
  - ***A verification of at least three (3) personal references.***
4. In addition to the requirements for all applicants, background investigations for sworn positions shall also include:
  - ***A verification of at least three (3) character references;***
  - ***A check with three (3) neighbors, if possible;***
  - ***A check with previous employers and co-workers for the past 10 years for sworn personnel and current employers and co-workers for non-sworn personnel;***
  - ***A check of current and past neighbors for the past 10 years for sworn personnel and current neighbors for non-sworn personnel;***
  - ***A review of the candidate's credit record;***
  - ***A check with the candidate's family members (i.e., wife, current dating partner, fiancé, father, mother, brothers, sisters, etc.);***
  - ***A review of school records (high school, college, and/or trade schools);***
  - ***A review of military records; and***
  - ***Other reviews deemed necessary, or as warranted by the course of the investigation.***
5. Based on interviews and accepted investigative techniques, background investigators seek to determine beyond a reasonable doubt that the ***police*** officer candidate is a loyal United States

citizen and is mentally, physically and emotionally fit to perform law enforcement duties.

- *Even though an officer candidate will be sent to the appropriate physician or other professional for physical and emotional examinations following the conditional offer of employment, background investigators can still learn a great deal about the candidate's physical and mental fitness through the checking of references, family members, co-workers, etc.*

6. Background investigations conducted on applicants for civilian positions will be commensurate with the position's duties and responsibilities.

## **B. Background Interview**

1. When the background investigator meets with the applicant for the first time, the initial interview includes the following:
  - *The review of the confidential background investigation booklet by the investigator (sworn only);*
  - *Fingerprinting the applicant on three (3) fingerprint cards (F.B.I, Maryland and R.A.F.I.S.);*
  - *Execution of the "Authorization for the Release of Information" (If not already completed);*
  - *Completion of a notice advising all applicants that, pursuant to Title 28, Code of Federal Regulations (CFR), Section 50.12, their fingerprints will be sent to the F.B.I. for a criminal records check;*
  - *Completion of a Department of Public Safety and Correctional Services "Application for Criminal Background Check"; and*
  - *Photographing the applicant.*

## **C. Credit Reports**

1. Requests for credit reports/information are coordinated with the bureau commander assigned to perform that function.
2. Applicants may produce a copy of their credit report for the investigator. However, the Administrative Bureau Commander or his/her designee routinely requests a copy of a candidate's credit



report (after the candidate signs the *Authorization for Release of Information*) from the Department's credit information supplier.

**D. Military Records**

1. Requests for military records are handled by mail only and go to the location listed below, addressed to the Director of the particular branch of the military to which the applicant belonged:
  - *National Records Center  
9700 Page Boulevard,  
St. Louis, Missouri 63132  
(Phone 314/263-3901)*
  - *Current status can be verified at the following website:  
<https://www.dmdc.osd.mil/appj/scra/single-record.xhtml>*
2. Any applicant who served in any branch of the military is required to produce a copy of any documents he or she has concerning military service (i.e., military separation papers - *DD-214*, etc.).

**E. School and College Records**

1. Background investigators should request that applicants produce copies of their official school transcripts or other records that verify attendance, qualifications, education level, public safety records, etc.
  - *Even though an applicant has properly executed an Authorization for the Release of Information, some schools may refuse to allow the investigator access to records held by the school.*
2. Investigators will inquire of school official(s) regarding the applicant.

**F. Interviews with References**

1. At least three (3) personal references and three (3) character references provided by the applicant are interviewed by the investigator by phone, in-person, or by questionnaire.
2. Unless impractical, interviews are conducted in-person and documented on designated Department forms.

**G. Interviews with Neighbors**

1. Background investigators attempt to identify, locate and interview in-person as many of the applicant's neighbors as possible (past 10 years for sworn and most recent neighbors for non-sworn).
2. If impractical to interview past and current neighbors in-person, an investigator may mail a Department-approved questionnaire to the neighbor(s) in order to document this phase of the background investigation.

**H. Interviews with Past and Current Co-Workers and Supervisors**

1. Background investigators will attempt to identify, locate, and interview as many of the applicant's co-workers and supervisors as possible for the past 10 years.
2. If impractical to interview past and current co-workers and supervisors in-person, an investigator may mail a Department-approved questionnaire to them in order to document this phase of the background investigation.

**I. Criminal Records Check**

1. An applicant is checked (*criminal record and wanted*) through the N.C.I.C. terminal to determine if s(he) has any criminal history record information.
  - *Applicants are checked through N.C.I.C., M.I.L.E.S., Montgomery County Records and other resources.*
2. The applicant's fingerprint cards are submitted as follows:
  - *The investigator completes and submits the F.B.I. and State cards.*
  - *The investigator also submits a fingerprint card to R.A.F.I.S.*

**J. Verification of Credentials**

1. An applicant's qualifying credentials are verified by investigators through the checking of both public and private records, which may include, and may not be limited to:
  - Medical reports;
  - Court records;
  - Financial statements and reports; and
  - Employment records and performance evaluations

**K. Prior Law Enforcement Employment**

1. If an applicant has been or is employed by another law enforcement agency, investigators determine if the applicant left (or is leaving) the law enforcement agency in good standing.

**L. Driving Record**

1. An applicant's driving record (from any and all states in which the applicant *is currently* or *was licensed*) is closely examined and a copy or copies are included with the investigator's file.

**M. Financial Records**

1. Whenever possible, an applicant's financial status is examined and documented in the investigator's file.

**VII. INVESTIGATION SYNOPSIS**

**A. Format**

1. Upon completion of the investigation, the following format is used to synopsize the investigator's findings ***before*** being forwarded to the Chief's office:

- **Synopsis** - this area is for a brief summary of the overall investigation;
- **Personal History** - this area lists the applicant's date-of-birth, place-of-birth, names of parent(s), applicant's current address, marital status, all in narrative form;
- **Education** - this area lists all schools attended by the applicant, with the dates attended, degree(s) obtained, and grade-point-average;
- **Military Experience** - if applicable, this area indicates the extent of the applicant's military service, including any reserve obligations;
- **Traffic Record** - in this area, the investigator describes the class of license(s) held by the applicant, whether valid or not, number of traffic citations received (if any), dispositions, etc.;
- **Criminal/Civil Record** - this area includes any CHRI, including the results of "wanted checks";
- **Undetected Crimes and Events of Note** - includes any information about events that may be criminal in nature or

of other concern, disclosed by the applicant and/or discovered during interviews of references, etc.;

- **Credit Rating** - in this area, the investigator describes the applicant's overall credit rating from the credit report obtained by this Department or by the applicant;
- **Employment** - this area describes all employment of the applicant, including statements made by co-workers and employers, and the dates of employment;
- **Neighborhood Checks and Personal/Character References** - this area indicates what neighbors and references have said about the applicant;
- **Other Agencies Requests** – this area indicates what other police agencies the applicant has applied, as well as the current status of each agency; and
- **Investigator's Notes** - in this area, the investigator may write anything pertaining to the applicant as it relates to the investigation. ***This area is not to be used to recommend the applicant for employment.***
- **Testing Results** – in this area the investigator will use these results to determine the applicant's ranking on the eligibility list.
- **Social Media (Public only)** – includes an open source public search of the applicant's social media accounts, if applicable, for the purpose of uncovering inappropriate content.

## **VIII. PRE-PLACEMENT MEDICAL AND PSYCHOLOGICAL FITNESS EXAMINATIONS**

### **A. Conducted After A Conditional Offer of Employment Is Made**

1. The Department's physical requirements are in compliance with the Americans with Disabilities Act.
  2. A pre-placement medical examination and emotional stability and psychological fitness assessment is conducted **after** a conditional offer of employment is made to an applicant by the Chief of Police for sworn positions.
- ***Under the Americans With Disabilities Act, no employer***

*can conduct a medical examination or make inquiries of a job applicant concerning the nature or severity of a disability unless an offer of employment (which may be conditioned upon the successful completion of the medical or other selection processes) has been made and a similar examination is required of all new employees.*

- *The results of both examinations are to be maintained confidentially and securely.*

3. The pre-placement medical examination certifies the general health of each sworn candidate, and establishes that the candidate is physically fit to perform the duties of a police officer.

- *This examination is conducted by a licensed physician of the City's choosing and uses non-discriminatory procedures.*

- *All costs associated with the pre-placement medical examination will be borne by the City.*

4. To comply with MPCTC Regulations, the pre-placement medical examination for police officer applicants includes a drug screening test for controlled dangerous substances.

5. The emotional stability and psychological fitness examination is conducted and assessed by a qualified professional of the City's choosing and is conducted at no cost to the applicant.

- *MPCTC Regulations requires the examination to aid the physician in determining that the candidate is emotionally and mentally fit for police duties.*

#### **B. Secure Storage of Records**

1. Records containing the results of the pre-placement medical examination and emotional stability and psychological fitness examination will be securely maintained on file in the City's Human Resources Division and the Department's secure archives.
2. Pre-placement medical examinations and emotional stability and psychological fitness examination results will be retained for the period of employment with the agency, plus an additional 5 years.

### **IX. COMPUTER VOICE STRESS ANALYZER (CVSA)**

**A. Administration**

1. The selection process for police officers includes the use of a Computer Voice Stress Analyzer (CVSA) examination. All candidates are provided with a list of the areas from which questions will be drawn.
2. When CVSA examinations are administered as part of the selection process, the Department utilizes only personnel who have been trained to conduct such examinations, and who have been trained to evaluate the examination's results. Examiner's follow all guidelines for use of the CVSA, including at least one cold call to verify the validation of test results.
3. The Department does not use the results of the CVSA or other instruments for the detection of deception as the single determinant of employment status.

**X. PHYSICAL FITNESS/WEELLNESS ASSESSMENT**

**A. Use of Non-Discriminatory Criteria and Procedures**

1. When administered for sworn positions, the physical fitness/wellness assessment uses non-discriminatory and standardized criteria and procedures to evaluate a candidate's physical fitness and physical ability to perform the essential job functions (or parts thereof) of the position for which the candidate applied and is competing.
2. When administered, this phase is administered, scored, evaluated, and interpreted in a uniform manner.